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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,868	03/11/2002	Henrik Bjorkman	P/137-250	2897
2352	7590	10/02/2003		
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				

EXAMINER
ALANKO, ANITA KAREN

ART UNIT	PAPER NUMBER
1765	

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,868

Applicant(s)

BJORKMAN ET AL.

Examiner

Anita K Alanko

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on pre-amdt 3/11/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) filed 4/13/02 6) ☐ Other:

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***Claim Rejections - 35 USC § 112***

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims contain relative terms such as high, sharp, exceptional, exceptionally good, low, good adhesive capability (claim 1, lines 6, 11, 12, 13, 16, 19, 23; claim 4, line 1; and claim 7, lines 2 and 4) that render the metes and bounds of the claims unclear.

In claim 1, line 12, the term "a sharp microstructure" lacks proper antecedent basis. Is this the same microstructure that is cited in line 11?

Claims 2-3, 5-6, 8-24 do not cure the indefiniteness of their base claims, and are therefore also rejected.

***Allowable Subject Matter***

Claims 1-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a method for forming a matrix or a matrix formed by the method comprising:

forming said matrix by providing an original having a surface section displaying a positive microstructure;

applying onto said original successive layers of different materials or mixtures of materials for building up and producing said matrix, and thereafter

either removing said matrix from said original or removing the material building up said original to manufacture a microstructure related surface section of the matrix, that has a sharp negative microstructure;

a. wherein said surface section related to the original is caused to display a sharp microstructure;

b. wherein said first matrix related layer is a material having an ability to release produced plastic components from the matrix surface after molding, curing or polymerization;

c. wherein said selected material according to "b" also retains the pattern on the negative microstructured surface section related to the first layer;

e. wherein said first layer is crystalline diamond, a diamond like carbon, a nitride, or a carbide;

f. wherein said first layer is applied onto said original in a thickness of 0.1 – 100  $\mu\text{m}$ ; and

g. wherein a second material layer, having an adhesive capability equivalent to that of titanium to said first layer, chromium to said first material layer, or titanium and chromium to said first material layer, is applied onto said first material layer, as in the context of claim 1.

The closest prior art, Nakayama, teaches the desirability of DLC layers of 0.1-100  $\mu\text{m}$  on metal molds for protection, but there is no motivation to provide the combination of cited layers on a matrix with a microstructure, as in the context of claim 1.

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*Examiner's Remarks*

"Microstructure" is defined in the specification to include dimensions of 0.1-500  $\mu\text{m}$  (page 1, lines 30-33), and thus the claims also are limited to this range of sizes for the microstructure.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art shows methods of making matrices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 703-305-7708. The examiner can normally be reached on Monday, Tuesday and Friday, 8:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 703-305-2667. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Anita K. Alanko*

Anita K Alanko  
Primary Examiner  
Art Unit 1765